

Case Against Shaw Shaken

Garrison Data Reveal Contradictions in Probe

Part 4/25/67 By Jerry Cohen
Los Angeles Times

LOS ANGELES, April 23—New Orleans District Attorney Jim Garrison supplied a national magazine writer with documents that tend to discredit his controversial investigation of President Kennedy's assassination, the Los Angeles Times learned today.

The records of statements taken from star witness Perry Russo also appear to undo Garrison's case against Clay Shaw, a New Orleans civic leader, whom Russo testified as having known as "Clay Bertrand."

Largely on the basis of Russo's testimony, Shaw, retired director of the New Orleans International Trade

Mart, was indicted last month on charges of conspiring to assassinate the President.

Russo, 25, an insurance salesman, testified at a hearing preceding the indictment. He said he overheard Shaw, Lee Harvey Oswald and the late David W. Ferrie plot the assassination at a party in Ferrie's apartment in September, 1963. The Warren Commission concluded that Oswald acted alone in shooting Mr. Kennedy.

From the documents given by Garrison to James Phelan, a Saturday Evening Post writer, the stories Russo told from

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the witness stand and during hypnosis differed vastly from the first one he told Garrison's investigators.

What motivated Garrison to give Phelan the documents in Las Vegas a few days after Shaw's arrest is unclear.

"I think he simply never read them," Phelan said. His article on the Garrison investigation appears in the May 6 edition, which goes on newsstands Tuesday.

Each of the documents is a study in contradictions.

The first is a report to Garrison from a 31-year-old assistant, Andrew J. Sciambra, who was assigned to question Russo. The three-hour interview took place in Russo's Baton Rouge home the day after Garrison announced he had solved the Assassination.

Absent from the 3500-word document, which Phelan describes as "a minutely detailed memorandum," was any mention of an "assassination plot"—the very crux of the Garrison investigation.

"It made no reference to the party at Ferrie's apartment, where Russo later said the plot was discussed, Phelan notes.

"There was no positive identification of Lee Harvey Oswald as 'Leon' Oswald... most striking of all, when shown a picture of Clay Shaw, Russo said nothing whatever, according to the memorandum, about having known him as Clay Bertrand.

"The memo specifically said Russo had seen Shaw only twice, once when President Kennedy spoke in New Orleans and once in a car with Ferrie. There was no mention whatever of Shaw's even knowing Oswald."

The latter clashes sharply with Russo's sworn testimony that he overheard Shaw and Oswald plotting head-to-head with Ferrie at the party—an event unmentioned in the memo.

The second report, or memorandum, also was prepared



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... contradictions noted

by Sciambra. It dealt with a sodium pentothal (truth serum) test given Russo in New Orleans' Mercy Hospital on Feb. 27.

Russo, according to the second memo, recalled much of what he disclosed in their first conversation — events in no way dealing with an assassination plot.

"This time," Phelan wrote, "he did make a passing reference to the party at which the plot was discussed. There was no stenographic record made of this session, but Sciambra's memo clearly states that Russo mentioned the party only after prompting. "The sensational story Russo

later told on the witness stand was elicited from him under hypnosis two days afterward." Phelan writes. A stenographic transcript was made of this session, unlike the other two. This was the third document Garrison gave Phelan.

Phelan does not suggest in his article that the questioning of Russo under hypnosis was improper but he implies that the questioner, armed with information supplied by the district attorney's office, "prodded" until "Perry Russo finally came up with his story" of overhearing a plot in Ferrie's apartment to assassinate President Kennedy.

Phelan, who became friendly with Garrison about four years earlier, had asked Garrison for a lengthy fill-in on what evidence Garrison had. "Meet me in Las Vegas," Garrison told the writer.

Phelan said during the March 5 weekend he talked with Garrison "about 10 hours," but collected few specifics, only "bits and pieces of evidence." Phelan pressed for specifics.

"Take these and brief yourself on them," Garrison said finally, handing Phelan the documents. "They'll help you understand Perry Russo's story." Phelan read the two memos and transcript and said he was astonished by their lack of evidence.

Phelan had copies made of the three documents, but did not approach Garrison about their contents until after Shaw's preliminary hearing, March 14. Then he phoned Garrison and said: "something bothers me."

He told the District Attorney that Sciambra's first report contained nothing "about a party, a plot or a 'Bertrand'." Garrison, according to Phelan, seemed "surprised" and replied: "I'll get Moo (Sciambra) out here." Phelan wrote in his magazine article:

"Sciambra said I didn't know what I was talking about. I told him I had read his report carefully and knew exactly what was in it. 'Maybe,' he said, shifting his story, 'I forgot to put it in.'"

"But you reported specifically that Russo said he had seen Shaw only twice, not three times," I persisted.

"Sciambra said he had been awfully busy with a half-dozen other things and had to sandwich in the report and might have forgotten to include everything. I said it seemed incredible that he would uncover testimony that might solve the crime of the century and then forget to report it.

"You made notes when you first talked to Russo," I said. "Your original notes would show whether he mentioned an assassination plot." Sciam-

bra said he had burned his notes."

Garrison could not be reached for his reaction to Phelan's report, but Sciambra said his chief would not comment.

Sciambra said he burned his notes on the Russo interview because "we don't like to have notes hanging around where anybody can see them after we have dictated a report."

"Above all," he said "I want to correct a misapprehension that he (Phelan) was and apparently still is laboring under. Long before Mr. Phelan left New Orleans, the point was made emphatically clear to him that Perry Russo told me during our first interview in Baton Rouge of the party and conspiracy plot involving Shaw, Ferrie and Oswald in Ferrie's apartment on Louisiana Avenue Parkway.

"This, in fact, was verified to Mr. Phelan by Russo himself after Mr. Phelan made a special trip to Baton Rouge to talk to Perry Russo personally. . . . furthermore, Mr. Phelan's inference that our office is guilty of giving post-hypnotic suggestion to Perry Russo in an effort to influence him to tell our story is ridiculous."

However, Phelan said he told Garrison and Sciambra "I don't believe a word of that boy's (Russo) story."